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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,392	12/12/2003	Martin D. Beyer	71-843-1	8505

7590

07/26/2005

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EXAMINER
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AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,392	<b>Applicant(s)</b> BEYER, MARTIN D.	
	<b>Examiner</b> Nasser Ahmad	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/12/03</u> . | 6) <input type="checkbox"/> Other: _____  |

*[Handwritten signature]*

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by LaPrade (6159497).

LaPrade relates to a release sheet assembly (30) comprising a release sheet means (31a) having an internal surface portion for removable disposition upon an adhesive (32b) layer and pull-tab means (33a) fixedly mounted upon an external surface portion of the release sheet so as not to be engageable with the adhesive layer.

The assembly further comprises adhesive means for adhesively bonding said pull-tab to the release sheet means (col. 5, lines 26-29) and is bonded within the vicinity of a peripheral edge of said release sheet (figure-1). Figure-2 shows that the pull-tab has substantially rectangular configuration and a portion of the first half is adhesively bonded to the release sheet, while a portion of the second half projects outwardly beyond the peripheral edge of the release sheet. The release sheet and the pull-tab material can be thermoplastic (col. 4, lines 21-33 and col. 5, lines 21-23), including

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polyvinyl chloride (col. 1, line57-58). Material such as polyethylene, etc. are known to be clear.

The intended use phrase such as "for covering...support structure", "disposed upon and undersurface portion of a contamination-control mat... support structure" has not been given any patentable weight because said phrases are not found to be of positive limitations.

The phrase "capable of" is not found to be of positive limitation because it only requires the ability to so perform and does not add to the structure of the release sheet assembly.

4. Claims 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Bidanset (6526906)

Bidanset relates to a sheet of tabs dispersed on a carrier (abstract). As shown in figure-2, the tab assembly comprises a carrier (24), a plurality of tabs (26) adhered to the carrier using adhesive (28). The carrier is provided with a suitable release coat that is known to include silicone, which is well known as a release agent in the adhesive art.

The intended use phrases have not been given any patentable weight for reasons explained in the previous paragraph.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-24, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPrade in view of Cameron (6796429).

LaPrade, as discussed above, fails to teach that the release sheet assembly is in a stack. Cameron discloses a stack of transdermal patches, each patch comprising a backing layer, an adhesive layer and a release layer (col. 4, lines 65-68). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Cameron's teaching of providing the transdermal patches in a stack in the invention of LaPrade with the motivation to reduce waste.

The relative adhesive tack level between the release sheet and the pull-tab is greater than the adhesive tack between the release sheet and the adhesive layer as shown by the release being removable when the tab is pulled away from the assembly.

The patch can provide for contamination control.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaPrade in view of Gilman (5951505).

LaPrade, as discussed above, fails to teach that the pull-tab is colored. Gilman discloses a wound dressing assembly wherein the release strip (16) is of a contrasting color compared to the assembly or the release sheet (col. 4, line 65 to col. 5, line 21). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Gilman's teaching of using a colored pull-tab in the invention of LaPrade with the motivation to provide for easy identification.

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8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaPrade in view of Cameron and Gilman.

LaPrade and Cameron, as discussed above, fails to teach that that the pull-tab is colored. Gilman, also discussed above, teaches the advantage of using colored pull-tab. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Gilman's teaching of using colored pull-tab in the invention of LaPrade with the motivation to provide for easy identification.

9. Claim 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bidanset.

Bidanset, as discussed above, fails to teach that the tack level of the adhesive means is within 100-250 ounces. It would have been obvious to one having ordinary skill in the art to modify Bidanset by providing its adhesive to have a tack of 100-250 ounces, based on optimization through routine experimentation, to exhibit a tack that is strong to remove the tab from the carrier without damaging the release sheet carrier.

***Allowable Subject Matter***

10. Claims 10-11 and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art uncovered so far fails to teach or suggest a release sheet fabricated from textured polyethylene and adhesive means with a tack of 100-250 ounces.

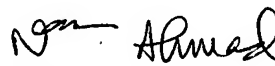
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nasser Ahmad 7/24/05  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
July 24, 2005.